

BROWN'S STATEMENT STRICKEN FROM THE RECORD

Senators Get Mad Once Again.

THE proceedings of yesterday, as well as those of the day before, in the Senate will go down in history as a blot upon the dignity of that body. Nearly all of the day was spent in argument concerning the obliteration from the minutes of the Brown-Russell incident, and finally ended in the statement made by Cecil Brown in his own defense being expunged from the record by order of the chair.

Many heated speeches were made and on several occasions personalities were indulged in between the irate Senators. Twice during the day did the House Rulers give evidence of their power and show how completely they hold the minority in their clutches; first, by defeating the motion made by Brown in regard to the number of days the secretary had recorded for sessions held by that body, and second, when the motion of White was called in the Brown-Russell affair.

Carter and the president engaged in a war of words and for a few minutes it looked as though the disgraceful scene of the day before would be repeated, but moderation prevailed and the impending storm passed away.

SENATE HAS HOT DEBATE

The Independents Win the Final Point.

NEARLY an hour was spent in reading and translating the minutes of the Senate yesterday morning and the first argument ensued when Cecil Brown took exception to the statement of the secretary that yesterday was the twelfth day of the Senate. Brown maintained that the two days spent in Molokai should be counted also, making the time appear fourteen days. Many arguments pro and con were indulged in and no motion appearing, the chair ruled the count as kept by the secretary to be right.

Senator Kalie moved that the explanation of Cecil Brown which was spread on the records of the Senate on Wednesday be expunged from the records.

Cecil Brown took the floor and delivered himself of the following oration: "I do not know of any other country in the world where the right of a Senator to rise and state a question of privilege has been denied. This will be the first time it has ever been done."

He then compared the proceedings of the Senate to the trial of a criminal before a judge and the right to defend himself being denied.

Continuing, he said: "If there was to be any objection at all it should have been made yesterday. The right of rising to a question of privilege is accorded to anyone. The only time a correction should be made in the minutes is when the facts are not correct. If this body continues doing acts of this kind and at the sweet will of any member are going to wipe out any part of the minutes they wish, they might just as well wipe out the whole thing and have nothing at all. The Senator of Maui seems to regard with fear the fact that the minutes will go to Washington and that he might be criticized as a member of the committee on rules which I say were not administered in accordance with their true intent and spirit."

Brown then wanted the chair to rule whether a member of the Senate or a majority of that body could wipe out any part of the minutes when statements are made, especially when they were correct, as all conceded to be. Kalie explained that he had not tried to voice the sentiments of the Senate, but had simply expressed his personal opinion.

Achi claimed that the motion was directly against section 69 of the Organic Act, which particularly states that all proceedings of the Legislature shall be sent on to Washington.

Kalie again arose to his feet and expressed his sorrow that he should be compelled to speak against Mr. Brown and was told by Mr. Brown that he could keep his sympathy to himself.

Mr. Baldwin stated that all the proceedings of the Legislature were going on to Washington and that he was very sorry the matter had come up, as now the whole discussion would also have to go on to Washington and he

was afraid that the Senate would be placed in a very foolish light.

A recess until 1:30 p. m. was then taken by the Senate.

AFTERNOON SESSION.

Senator Kalauekalanani addressed the House in regard to expunging the explanatory speech of Cecil Brown from the minutes of the Senate and said: "It seems to be the wish of the minority to permit it to remain a part of the records. A motion was made by the Senator from Walluku to expunge it from the records, and I would say that we are obliged to send full record of our proceedings to Washington and it now devolves upon us by our action to make the speech a part of our records."

"Every member though has a right to take exception to any portion of the minutes and I wish to support the motion. I therefore move that an aye and no vote be taken."

Brown stated that if the majority insisted upon this it was only another evidence of "gag law." "Whenever anything of importance takes place here," he said, "the majority carries a motion to adjourn. When we meet again they are pretty certain of how things will go."

"Since the House adjourned this morning I have looked into the matter and find that once before in the history of legislative sessions in the United States has some part of the proceedings been expunged, and four or five years later it was again brought up. This was when President Jackson was a Senator."

"If the facts as stated here were not true, then, gentlemen, expunge them, but you know they were true, and being true they must remain on the records, and if the majority insist on expunging them they are not as honorable men as I thought they were."

"I call you to order," said President Russell; "I take exception to your remarks."

"I don't care so far as I am concerned, for I have had my say, and my remarks have gone out to the world. I only want my statement to remain on the records to protect the Senate," replied Brown.

Carter said that the whole question showed partisanship. "We are all liable here to say something in the heat of discussion which in more sober moments we would not have said," continued Carter, "but when a thing has been said or done it cannot be expunged."

"There was a difference here between a member and the chair, and the chair ruled against that member, but if the member's statement is struck out, then those who made the minutes will have a right to doubt the ruling of the chair, for they will only see one side of the story."

During the speech of Carter, Senator White sent a formidable looking volume to President Russell and that dignitary, after reading a marked passage, looked at White and gleefully clapped his hands and at the first opportunity gave White the floor.

White remarked that considerable time had already been taken up in the discussion, but he wished to take exception to some remarks made. He spoke at some length in favor of the motion.

"The minority this morning," he said, "thought we were wrong in the position we assumed concerning the number of days which the Senate had convened, but I have here plenty of good authority supporting us in the stand we took. (Here the volume which he had sent to the president was produced and the joy manifested by him was made apparent.) We are equally firm in our opinion relating to this matter, and I now move to the previous question."

"Kokua," shouted the members of the Senate, all of them thoroughly tired of the debate.

The roll was then called and a vote of eight in favor of the original motion against five was recorded and the statement of Cecil Brown was ordered expunged from the minutes.

"Thank you," said Brown. Carter moved that the clerk be instructed to have a few minor changes made in the rules and same was carried.

Senator Brown rose to a question of privilege and asked the clerk to read how he had the record of the order for expungement. This was done, and the Senator propounded the question, "Are you going to write 'expunge' on the face of the records, or are you going to wipe it bodily from the record? I therefore ask Senator Kalie to explain how this is to be done?"

"You are willing to take advice from me now," said Kalie, "but a little while ago you would not listen to me." "I am not through yet," said Brown, "and I move that the clerk be instructed to write 'expunge' by order of the Senate' across the face of my statement of yesterday."

This motion was objected to by Senator White and resulted in the withdrawal of the motion by Brown.

White then moved that the minutes stand approved so far as the minutes in the handwriting of the secretary was concerned, and that the matter contained therein written by the stenographer as an account of the Brown statement be stricken out. The motion prevailed.

A communication from the lower House was giving notice of the passing by that body of House bill 1 and also Act 1, and submitting them to the Senate. The same were passed by order of the president.

White moved that the discussion of the bill be stopped and that same be

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Champions a Short Day.

ALTHOUGH Boss Emmeluth championed a bill for eight hours to constitute a day's work, yet it was Representative Robertson who won the glory of the day's achievements. In the measure providing that none but qualified voters and American citizens shall be employed upon public works, he arose to the occasion and not only succeeded in combating frivolous but unnecessary amendments to the bill, but after presenting an amendment at the morning session swept it aside with a substitute amendment in the afternoon which cleared the field of all others, and was adopted as a substitute to the original bill, which was, to use the parlance of the Legislature, "killed." The bill was considered the entire afternoon by the House as a committee of the whole, and among the able advocates of the bill was Beckley of Molokai. The latter made many sensible statements which had their effect in quelling an attempt on the part of many legislators to belittle the principle contained in the bill and reduce it to a bill to rectify personal grievances. The term "public works" was interpreted to include positions of teachers in the public schools, and it was feared the bill would deprive them of their livelihood.

DEBATE ON 8-HOUR DAY

Morning Session of the Lower House Lively.

IT WAS Boss Emmeluth's day in the House. This became apparent as soon as the eight-hour bill was brought up for consideration, and the plunger statesman took the floor as its champion. He made a forceful argument in its favor, and pointed a moral as to the future of the Islands unless American citizens and qualified voters had laws passed in their favor as a protection against cheap Asiatic labor.

Speaker Akina was also called on during the early portion of the morning session to make a ruling. Words had been flying about in wild abandon to the utter bewilderment of Interpreter Wise, and Beckley called the attention of the chair to this fact. Beckley arose to a point of order, qualifying it with the statement that the remarks of a member had not been interpreted. Speaker Akina quickly responded that point was not well taken. "English is the legal language; his remarks were made in English, and no breach of the law or etiquette of this House has been committed if they were not translated into the Hawaiian language."

Speaker Akina announced at the opening of yesterday's session of the House that Representative Wilcox was confined to his bed by serious illness, and would probably be unable to participate in the proceedings for a week. After adopting the minutes of the preceding day, Paole sent a petition to the clerk which the latter read. It was from the Hawaiian Woman's Relief Society, praying for a special appropriation for carrying on its work among the needy. The petitioners said they were in dire distress for funds to carry on their charitable work, and humbly requested that the House give the matter full consideration. It was signed by B. M. A'ien, Theresa F. Bowler, Minerva E. Fernandez, Lucy K. Peabody.

Emmeluth reported from the committee on public expenditures relative to the claims for reimbursing H. M. Dow, clerk to the High Sheriff, for amounts overpaid to the Treasurer. The committee found that an error was made in November, 1899, by sending in twenty-five cents too much, thirty cents too little another month, and so on until there was in reality only \$339.95 due the petitioner. The committee recommended that the item be inserted in the appropriation bill for payment. A minority report was submitted, and on motion of Mossman the majority report was tabled.

Beckley for the committee on public health, asked for more time to report on the petition from Molokai, signed by R. M. Kaaoa, as the committee desired to hear what the special committee had to report on their recent investigations at the Leper Settlement. The request was granted.

Beckley, for the special committee of the House, which with a similar committee from the Senate, jointly visited the Settlement, asked for additional

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REAR ADMIRAL BEARDSLEE TELLS OF HIS RECENT VISIT TO JAPAN

WASHINGTON, Feb. 16.—The Secretary of the Navy has received an interesting letter from Rear Admiral Lester A. Beardslee, U. S. N., retired, relating some of his experiences in Japan, whither he went to revisit scenes in his early career as a naval officer with Commodore Perry and to provide for marking the spot where Perry landed. He tells of a brief interview with the Emperor, and expresses gratification over the cordial manner in which he was treated by Japanese officials and the people of the higher circles. Admiral Beardslee's letter is dated Tokyo, Japan, November 28, 1900. He says in part: "It seems my duty, in which view Commodore Perry, the United States Minister to Japan, concurs, to bring to the attention of our Government the remarkable evidences of the friendly and cordial feelings entertained by the Japanese of all classes toward the United States, as manifested by their treatment of me as a naval representative of my country."



"I arrived in Tokio late in October last, traveling as a private citizen, and I brought no uniform with me, but I did bring the prestige of my rank, and, still more, that of survivor of the officers who served under Commodore M. C. Perry, and was with him on his first visit to Japan in 1853. The name of Perry is a sacred one to the Japanese, and his memory is revered."

"When the fact became generally known I was inundated with calls of ceremony and attention. All other events of my fifty years of professional service sank into insignificance when compared with the event of my having landed with Perry. Through the good offices of the United States Minister my existence was made known to the Emperor, who extended to me great marks of politeness, among others issuing instructions that with my wife I should be invited to the royal chrysanthemum party and there

view, was offered to me, which offer I respectfully declined."

"The significance of three events lies in this Japanese law prescribing, upon presentation to the Emperor, and upon all ceremonies and occasions when he shall take part or be present, all military and naval officers shall wear the full dress uniform of their rank. As I had no uniform to wear, the law was set aside in my behalf. A round of entertainments and festivities succeeded, given generally by people of the highest social, political and business standing among the Japanese, which culminated on November 25 by a grand garden party."

"The mission to which the Emperor referred is a self-imposed one. It is to make effort to cause a suitable memorial mark to be placed at the spot where Perry first landed and delivered the letter of President Fillmore to the Emperor of Japan on July 4, 1853. I paid a visit to this spot, Kurihama Bay, in October, by a rather long sailboat and 'Jinrikish' journey. I found and recognized it, but I found it by the natural scenery alone. It is desolate and neglected, not a mark of any kind to denote its historic value. A very powerful association, the Society of America's Friends, of which Baron Karreko, the Minister of the Judicial Department, is president, and the members were all educated in the United States, to whom I made my first address on the subject, indorsed me strongly, and by unanimous vote assumed the task as its own. Several powerful societies, viz., the Asiatic, the Welcome, the Literary and others have by resolutions extended to the America's Friends offers of co-operation. The press, both Japanese and foreign, and all Americans give the idea most enthusiastic support, and I feel now sanguine that my object will be accomplished and the historical spot will cease to be unmarked."

YESTERDAY WAS PEACEFUL IN THE LEGISLATURE.

Vindication of Senate Chair.

(From Thursday's Daily.)

ALL WAS quiet within the Senate chamber yesterday for the incident of the day preceding had left its impression and no one seemed willing to take an aggressive stand on any question. An implied apology from Senator Cecil Brown and the vindication of the chair by the majority of the Senate marked the day. Many bills were given their introductory reading and many notices of more bills to come were also given.

QUIET DAY IN SENATE

THE Senate lobby who were expecting to see the question which had caused trouble on Tuesday afternoon resumed again yesterday morning, were somewhat disappointed when immediately after the reading of the minutes Senator Cecil Brown arose from his chair and virtually apologized for his behavior on the preceding day.

Yet there was a string attached to that apology, for the Senator gave the President to clearly understand that he would make a more complete apology if he was found in the wrong, but that he did not think he had erred. However, Brown gained his point, for his version of the incident is now, a part of the Journal of the Senate, and though it is as nearly unbiased as it would be possible for one of the participants of the affair to make it, yet the statement makes it appear that the Senator was the wronged party.

There is always a calm after a storm, and the Senatorial body was as meek as a lamb yesterday, very little opposition being made to any of the proposals made. Senators Brown, Carter and White were unusually quiet throughout the session, and it is evident that the event of the day before was still fresh in their minds.

Immediately after the reading of the minutes yesterday morning at the meeting of the Senate, Cecil Brown arose to a question of privilege and stated that yesterday afternoon, the President ordered the Sergeant-at-Arms to remove him from the house, "I now wish to make a statement, so that it will appear on the records," he continued.

"The first question which arose was concerning the resolution of Achi. I claim that at that time the voting of the President was contrary to the rules; and to support my contention of that time I now cite section 1 of rule 9, relating to the duties of officers, under the head, 'It shall be the duty of the President,' etc.

"Rule 45, under sub-division 4, provides that the President may vote in case of a tie, but in the voting here yesterday the President first voted 'No.'

"After that during the debate the President claimed the right to vote on the final passage of a bill, and I think the President must have become confused with the rules of the Lower House.



Mr. Gear has for the past five years occupied an enviable position at the Hawaiian Bar.—Republican.

the appropriations in the hands of the Judiciary Committee, and it was so ordered.

The House concurrent resolution on the subject of taxation was then taken up. Cecil Brown moved that the resolution be adopted. He here proceeded to discuss at length the subject of taxation and the duties of the committee. Mr. Carter spoke strongly in support of Mr. Brown.

Mr. Baldwin and other Senators continued the discussion until the recess hour.

The question regarding the concurrent resolution concerning taxes was taken up immediately after the Senate convened in the afternoon, and Senator Brown moved that it be referred to the Committee on Ways and Means to consist of four members, with Senator Baldwin as chairman of the same, and this committee be instructed to confer with the committee appointed from the Lower House.

A vote being taken resulted in seven to two in favor of the motion.

White offered an amendment proposing Senator Paris in place of Baldwin, and after a short argument the amendment was admitted.

But little business of importance was transacted and the Senate adjourned until this morning.

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A PATRIOTIC SPIRIT SHOWN

The Public Works To Employ Only Voters.

Representative J. K. Hihio introduced House bill 21 yesterday, as follows:

An Act to Provide That Only American Citizens and Qualified Voters of the Territory of Hawaii Shall Be Employed in Public Works.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. That all public works in the Territory of Hawaii, either mechanical, industrial, or otherwise, shall be performed only by American citizens and who are qualified voters residing in this Territory.

Sec. 2. This Act shall take effect from and after the date of its publication.

Jonah Kumale, one of the Republican members of the House, seems to be laboring under the impression that Hawaii is yet under monarchical rule, and that many of the acts done in that hey-day of the bestowal of kingly and queenly favors may be repeated, and that Hawaii can send its Hawaiian youth abroad or upon the Mainland to be educated at the expense of the local Treasury.

The member introduced a bill in the House yesterday providing for the regulating of the sending of Hawaiian youths to the Mainland or abroad to be educated. The bill is in reality only a rehash of chapter 12 of the Civil Laws of 1897, wherein the local Government at that time undertook to send its youth to schools in Europe or America to be educated. In former years the monarchical government was foolish enough to send Robert Wilcox and others to obtain an education in Italy, with disastrous results to the Island group which sent them away. The course of study outlined at that time did not contemplate

the acquiring of a knowledge of military tactics, but Robert Wilcox received instructions in the artillery branch and tried it on King Kalakaua upon his return to Hawaii.

This chapter was repealed by Congress, but this has not daunted the Republican member from the Fourth District in the least. Instead of using the word "Minister of Foreign Affairs," Mr. Kumale has adopted "Secretary of the Territory," but otherwise there is little change, except in dropping from the list of studies, "Bookkeeping and stenography" and "Carpentry and drawing," which he does not think are necessary for a Hawaiian youth to know while being educated as a ward of the Territory. His bill is as follows:

An Act to Provide for and to Regulate the Sending of Youths to the Mainland or Abroad to be Educated.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Secretary of the Territory of Hawaii with the concurrence of the members of the Board of Education, shall select worthy poor youths to send to the United States or abroad to be educated, from the select schools established in the Territory, and who have graduated from the same or have received proper recommendation from the teacher or teachers of the schools where they have been educated, and such youths shall be selected as follows:

Three youths from the Island of Hawaii, two from the Islands of Maui, Molokai and Lanai, four from the Island of Oahu and one from the Islands of Kauai and Niihau.

Sec. 2. Every parent or youth shall submit the name of such youth to the Secretary of the Territory by application in writing stating his conduct, the certificate of graduation, or proper recommendations, his age, the number of years that he has attended school, and the percentage in his studies.

Sec. 3. If there be several applications submitted to the Secretary of the Territory, and such applications shall exceed the number permitted by this Act, the Secretary of the Territory shall then call the applicants to Honolulu and cause, in presence of himself and the Board of Education, an examination to be held, and the highest standard shall be selected.

Sec. 4. The Secretary of the Territory with the Board of Education are hereby directed to send the said youths only to be taught in the following occupations: First, the legal profession; second, the medical profession; third, surveying and civil engineering; fourth, the art of teaching. And the youths shall pursue such course of studies until they shall receive diplomas from the instructor of the schools on the Mainland or abroad.

Sec. 5. When it shall become known to the Secretary of the Treasury that a vacancy has occurred in some of the places of said youth, by graduation, death or other causes, he shall immediately publish such fact in some English and Hawaiian newspapers printed and published at Honolulu, in order that to all such vacancy or vacancies shall be selected from the Island from which the youth whose place is vacant came.

Sec. 6. A sufficient sum of money shall be set apart in the appropriation bill, at each biennial meeting of the Legislature, for the purposes set forth in this Act, and shall be paid out of the Territorial Treasury on the order of the Secretary of the Territory.

Sec. 7. The Secretary of the Territory and the members of the Board of Education shall perform the duties required by this Act without compensation.

Sec. 8. This Act shall become a law from the date of its publication.

EIGHT HOUR LABOR DAY

Government Work To Make That the Limit.

Representative J. K. Hihio yesterday introduced House bill 22, of which he had given notice on March 5. It reads as follows:

An Act to Provide That Eight Hours Shall Constitute a Legal Day's Work Either Mechanical or Industrial.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. On all works, either mechanical or industrial, which shall or may be and now carried on in this Territory of Hawaii, that laborers on such works are to be employed for eight hours on each day's work.

Sec. 2. That the eight hours, as provided in section 1 shall constitute a legal day's work in the Territory of Hawaii; and such hours to begin from 8 o'clock in the morning to 12 o'clock at noon; and from 1 o'clock in the afternoon to 4 o'clock in the evening.

Sec. 3. This Act shall take effect from and after the date of its publication.

AMEND THE PENAL LAWS

Representative J. K. Paele introduced bill 20 into the House yesterday, as follows:

An Act to Amend Sections 872 and 873 of the Penal Laws of 1897.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. That section 872 of the Penal Laws be and the same is hereby amended so as to read as follows:

"Sec. 872. That Board of Health shall with the consent of the Governor by and with the advice of the Senate of the Territory make rules and regulations for the interment of the dead and respecting cemeteries and burying grounds."

Sec. 2. That section 873 of the Penal Laws be and the same is hereby amended so as to read as follows:

"Sec. 873. Notice shall be given by the Board of Health with the consent of the Governor and by and with the advice of the Senate of all regulations made by it, by publishing the same in some newspaper of the district, or where there is no such newspaper, by causing them to be posted in some public places of the town or district; and such notice of said regulations shall be deemed legal notice to all persons."

Sec. 3. This Act shall take effect from the date of its approval.

All Sorts of House Bills.

BOSS EMMELUTH created the only sensation of the day in the House when he attacked Governor Dole as a "man without backbone." During the heat of an argument on the merits of an amendment which he offered to go with House bill 4, which provides for the appointment of a commission to take evidence concerning injuries to property caused by the action of the Board of Health in connection with the suppression of the bubonic plague, Representative Emmeluth scored Governor Dole for what he considered was a lack of firmness in connection with the fire claim commission appointed last year.

MANY BILLS PRESENTED

ATENTIVE and observant, the solons of the House began their labor yesterday auspiciously. The aftermath of the wordy battle of the day before on the extension of the fire limits to include the "burned district" had its effect. As a number of Representatives had given notice on Tuesday that they would introduce bills, the title of many of which were novel to say the least, expectancy was written upon the countenances of the legislators. The spectators were numerous and appeared to anticipate a repetition of the previous day's humorous proceedings.

The minutes were read and approved. Dickey opened the ball by asking for a reconsideration, as he desired to make a correction. He was granted the privilege by a rising vote. A rule mentioned in the minutes as 12 should have been 18. The amendment was accepted.

Paele offered a petition relating to highways and bridges, in which an appropriation of \$25,000 was asked for, and also a breakwater along the coast in the Fifth district. This was referred to the committee on public lands.

Beckley presented a petition from Hauula from a number of residents asking for a new school building. Referred to committee on education.

Haahoe presented a petition from Puua asking for \$12,000 for the construction of a road from Kaola to Ka-haulea, a distance of eight miles. The petition was laid on the table to be considered with the appropriation bill.

Prendergast, for the committee on revision, presented a report on bill 2, "An act to appropriate an emergency fund to be used in repairing damages caused by the late storm," and also on bill 4, "An act to provide for a commission to take evidence concerning injuries to property caused by the action of the Board of Health in connection with the suppression of the bubonic plague in Honolulu on January 20, 1900, and to report thereon," and also bill 7, "An act to authorize and regulate the placing of electric wires in the streets of Honolulu," and also bill 11, "An act to abolish personal taxes;" also bills 12 and 13, saying they had been printed.

Makekau arose to say something about rules. Prendergast said the rules were still in the hands of the printer. Dickey asked Prendergast if the rules as printed on blanket-form paper contained the amendments. He received an affirmative reply. It still rests with the House to decide whether the rules should be printed in book or pamphlet form.

Dickey moved rule 12 be amended by erasing the words "by vote of the House," in lines 18 and 19. Makekau interrupted by declaring Dickey out of order, but later begged Dickey's pardon.

Dickey said after the reading of the minutes that an unusual silence fell upon the House, and it seemed more like a Quakers' meeting than the Legislature. He thought it was unnecessary to vote upon the Journal, and hereafter the speaker should allow them to stand approved unless some one made objection. Dickey's motion did not receive a second.

Kekaula offered a resolution to have an item inserted in the appropriation bill for the construction of a warehouse at Hoopula landing, South Kona, Hawaii, to cost \$250. Referred to committee on public improvements.

Dickey made one or two attempts to read rules which he considered in point, but a general tittering caused him to desist in his attempts to find the right ones.

Kumale presented a bill of which he had given previous notice. It was read for the first time by title, as follows: "An act to adopt a flag for the Territory of Hawaii," and it then passed its first reading.

Kaniko asked to introduce a bill of which he had given notice on Tuesday, and that it be read the first time by title. Upon motion it passed its first reading.

Kellikoa presented a resolution as follows: "Resolved, that the clerk be requested to ask the Superintendent of Public Works the following question: In the session of the Legislature of 1898 an item amounting to \$500 was set apart for the purpose of extending the wharf at Keauhou, North Kona. Why was the work delayed and what has become of the money?"

The resolution was adopted and the

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WANT NO MORE PERSONAL TAX

To Abolish School, Poll and Road Tax.

Representative C. H. Dickey introduced bill 27 into the House yesterday, in printed form, as follows:

An Act to Abolish Personal Taxes.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The levying, assessment and collection of personal taxes heretofore known as poll, road and school taxes are hereby abolished.

Sec. 2. All sections or parts of sections of laws inconsistent with this Act are hereby repealed.

Sec. 3. This Act shall take effect on the first day of January, A. D. 1902, and shall not be so construed as to interfere in any way with the assessment and collection of the personal taxes of A. D. 1901.

Those who expect to go to the Coast on the Oceanic steamship Ventura on April 2 will be disappointed. The Ventura will not take any passengers from Honolulu to San Francisco except a large party who have engaged the entire steamship for the trip from the Paradise of the Pacific to the Mainland. Orders to this effect have been received from the head office at San Francisco. The special party which has practically purchased the great vessel for the voyage to the Coast is composed entirely of the Shriners.

The Shriners sailed from San Francisco yesterday for this port on the Sierra. The great excursion is in charge of Eladine Temple, of Grand Rapids, Michigan. There will be 225 people in the expedition. Aloha Temple is to be organized here.

GRAND JURY SUBMITS ITS FINAL REPORT AND IS DISCHARGED.

(From Wednesday's Daily.)

THE GRAND JURY, of which E. Faxon Bishop was foreman, made its report yesterday as follows and was discharged:

Hon. A. S. Humphreys, First Judge, Circuit Court, Eastern District, Territory of Hawaii.

Sir:—The Grand Jury empaneled and sworn before you on the 4th of February current, have concluded their duties and beg to render the following final report:

Fifty-five cases have been brought before this jury by the Attorney General's Department resulting in the finding of true bills in thirty-one cases, no action taken in two cases, and no bills in twenty-two cases as shown by the clerk's record of our proceedings marked Exhibit "D," and attached hereto.

We have made investigation in accordance with your honor's charge, as the following will show:

INSANE ASYLUM.

The Grand Jury have visited the Institution and inspected the entire premises and the buildings in use. The total number of patients at the present time in the asylum is 130.

The building known as Ward No. 2, is in a very bad condition and quite beyond repair. The other buildings are in a fair condition, although Ward 6 is a building erected for some other purpose, but pressed into service owing to the want of room.

The water-closet accommodations at the asylum are of the most primitive order, being nothing more or less than old fashioned pipes with open vaults, and it may be said in passing that if the authorities would exercise the same care in this respect that they exact from individuals and tax payers as to sanitary plumbing, no comment would be necessary.

The Grand Jury ascertain that an appropriation of \$20,000 was made by the Council of State in the early part of 1900, from current funds, for new buildings at the asylum, and if this amount were available, adequate quarters could be provided in frame structures, but unfortunately the funds of the Government have been so depleted by reason of the plague and other causes, that no funds are available for this purpose.

At the present time the woman's ward is made to accommodate thirty-one persons, while there are rooms for but nineteen, hence the necessity of putting two patients in one room, which is most undesirable.

The woman's ward should also have facilities for washing clothes. All of the wards should be fitted with some automatic device whereby all the cells or rooms can be thrown open at once in case of fire. This can now be done in the woman's ward, but in none of the others.

The Grand Jury specially condemn and severely criticize the action of the authorities in establishing the stone blasting and crushing plant within say 400 yards of the asylum building, and upon land set aside as the asylum reservation, and it seems strange and remarkable that whoever is responsible for selecting this location for the purpose named, did not immediately see that it would be most undesirable for the unfortunate inmates of the asylum.

The Grand Jury believe it is generally an accepted fact that what is most needed by the insane is absolute rest and quiet, and this jury can testify that the continual roar of the stone crusher is most trying (lasting as it does through the entire day) to the ordinary person, while the blasting that is done at intervals is always startling, and must be terrifying to persons suffering from aberrations of the mind.

In our opinion the stone crushing plant should be peremptorily removed from the vicinity, even at a large cost and much trouble, as we believe that the unfortunate inmates of the asylum are entitled to every possible chance, facility and remedy to recover, which we believe is denied them in a large measure so long as the roar of the stone crusher and explosions in blasting are continued in the immediate vicinity.

This Grand Jury believe that more recoveries would be made were the Government to employ a resident physician, a specialist if possible, whose entire time could be given to the study and treatment of the inmates of the asylum. This belief is founded on the fact that all State and Territorial asylums have a resident physician, and as being logical argument. Much would depend upon the person selected to fill such a position. Dr. Herbert's administration of Superintendent of the Asylum is most efficient and praiseworthy, and it could easily be possible to have a "resident" less satisfactory in results and management than the present non-resident superintendent.

It is true that with the class of inmates to be and at present handled at the asylum, the physician in charge is handicapped as compared with the institutions of the kind elsewhere in the United States. Antecedents, family history and the questions of heredity are factors absolutely unascertainable in 90 per cent of the people who inmate our asylum—a cosmopolitan throng of unfortunates unknown to any one up to the day they come up to claim public wardship on account of their deplorable condition, many of whom are unable to make themselves understood in English.

The Grand Jury believe and recommend that there should be a half-way station between the committing magistrate and the wards of the asylum, and heartily concur in the recommendation of the Superintendent, Dr. Herbert, that a receiving-house be established where new comers can be held in probation until it is established beyond doubt that the person is indeed insane before being subjected to the strain of surroundings in the asylum itself. There is ample room, and sufficiently remote, on the asylum reservation for such a receiving station.

The system of records, the care of patients, cleanliness of both wards and cooking department, are all matters which this Grand Jury can recommend as being well conducted at the asylum.

What is absolutely needed is:

(1) A new ward in place of the present wards 2 and 6.

(2) Sanitary plumbing in closets and sinks.

(3) A cessation of the stone crusher nuisance.

(4) A wing addition to the woman's ward, so that no two patients need be confined together.

(5) The automatic unlocking device for emergency use.

(6) A tight 10-foot board fence on the main side of the premises, with a 12-foot picket fence on the other boundaries.

REFORMATORY SCHOOL.

This was visited on the 15th instant,

where we found thirty-six boy inmates, about ten of whom had been sentenced for truancy.

The boys are turned out at 5 a. m. in summer, and at 6 a. m. in winter, their time being occupied until 9 a. m. in making beds, sweeping and doing the cooking for the day. No cooks are employed.

The school hours are from 9 a. m. to 2 p. m., with half an hour for lunch, the instruction in the class-room being given by one tutor employed by the Board of Education.

In the matter of manual training we find that three shops have been started: harness and saddlery, tinshop and carpenter-shop, the latter being the only one in use at the present time; the harness and tinshops being closed for the want of instructors.

In the carpenter-shop we saw some very creditable specimens of work, consisting of desks, tables, etc., the instructor informing us that they were the entire handiwork of the pupils. Here are also made many boxes, or chests for the Board of Education, for use in the various schoolhouses throughout the Islands.

The manner of cooking we found decidedly primitive; a brick furnace with sheet-iron top and a "farmer's kettle" for soup, etc.

The dormitories we found kept in a neat and orderly manner, but here we found a matter to condemn, viz: the absence of sanitary closets. To take the place of these were open pans or buckets to receive the excreta which must be carried downstairs in the morning, contents removed, and containers cleaned.

We strongly recommended a proper cesspool, with water closets, or at least some sort of dry earthen system, also, the same convenience for the sick ward.

We do not find any system of rewards for good behavior, giving some incentive toward reform.

We find that the lands set apart for the school have been so encroached upon for the uses of public schools, etc., that there is no opportunity for agriculture being taught or practiced. The superintendent, after fourteen years of experience and careful attention, is strongly in favor of location for the school where fifty or more acres of land might be obtained for cultivation, believing that with a good farm the school could be made nearly, if not quite, self-supporting.

We cordially commend the superintendent of Mr. Needham, which superintendence has been carried on under many difficulties, owing to the lack of funds or appropriations, even the paltry sum of \$500, given for the erection of harness and tinshops, not being present owing to the lack of instructors, as above mentioned.

The Grand Jury disapprove of the present system of committing boys to the Reformatory School for trivial offenses, such as truancy, disobedience, etc., where the comparatively innocent and thrown among really bad characters. We disapprove also of boys being committed for short terms of ten days, one month and similar short periods. The Reformatory School is a jail for youthful miscreants, which we believe is not the intention in a reformatory school. We believe that a truant school would be a remedy for this feature, where boys sentenced for short terms and trivial offenses could be held and disciplined for the period of their sentence.

OAHU PRISON.

This Jury have nothing but commendation for the conditions as they exist at the prison, where discipline and scrupulous cleanliness appear to be most efficiently maintained. Separate quarters should be provided for prisoners held under commitment for trial, as at present, they are, for want of room, confined in the same yard with convicted criminals.

This Jury believes and recommends that the photographs of political prisoners under the Republic of Hawaii, and the Provisional Government, should be removed from the archives of the prison, commonly termed the "Rogues' Gallery."

PROSTITUTION AND IWILEI.

Complying with the charge of the court, the Grand Jury has made two visits to Iwilei, and ascertained the following facts:

There is but one corral or enclosure used as a refuge for prostitutes, the land belong to John Ena, Esq., and leased by him to Ching Lum and Leong Cheau, who sub-let the premises to Masuda, who controls, at present, the premises under his lease.

The place is managed by Mr. Kanematsu and Mr. Eugene O'Sullivan, in behalf of the lessee, Mr. Masuda. Mr. Ena receives as ground rental from Ching Lum and Leong Cheau, \$300 annually.

Ching Lum and Leong Cheau receive a bonus of \$9,000 from T. Masuda for a lease of the property occupied by the corral, and Mr. Masuda also pays them a ground rental of \$600 per annum.

There are five buildings on the premises, containing 225 rooms, and the rooms are rented by Mr. Masuda or his managers, Mr. Kanematsu, or Mr. O'Sullivan, at from \$12 to \$15 a month. There is no evidence that any other property at Iwilei is used for immoral purposes.

A tenement house establishment, say one-eighth of a mile away, on the Ewa side of the corral, was at one time intended for use for similar purposes, but at the present time it is used as a tenement only, although no doubt, many of the prostitute class live at this place, carrying on their business at night in the corral proper.

This tenement house property is under the control of the Honolulu Investment Company, under lease from John Ena, Esq.

On Saturday night, February 16th, rooms were occupied within the corral by 143 women, 11 of whom were French women, the rest of whose, all of whom are registered under the Act to Mitigate.

A policeman is detailed by the High Sheriff to preserve order within the corral, which is the extent of police supervision. Supervision by the Board of Health is confined to examinations weekly by a medical man, and a segregation of those who are found in an unhealthy condition. These latter are required to undergo treatment, and to suspend occupancy of the quarters at Iwilei corral.

This Jury has been unable to verify that any Government officer or bureau receive any fee, make charges of any nature, or issue licenses for prostitution, but the published statements of various parties to the contrary notwithstanding.

The condition of the premises, and management of the place is, in the opinion of this Jury, as satisfactory as it is possible for a place of the kind to be, the location is isolated, and so far remote from the city that the evils of prostitution are now probably confined to this locality instead of being distributed about the city. It is, perhaps, not out of place to state here that Mr. Ena, owner of the Iwilei property, leased the same long prior to the place being sought for its present uses, and he claims that under the terms of his lease, he has no control of the property, and cannot restrict the uses made of it.

During the visits of the Jury to Iwilei, no children were seen within the enclosure, and the police officer stationed there stated that no children were allowed therein. This jury is unable to agree upon any indictment

owing to conditions that exist at Iwilei.

EMPLOYMENT OF MINORS IN SALOONS.

The Grand Jury ascertain upon sworn evidence that minors are employed in the saloons of the city of Honolulu.

INVESTIGATION OF HONOLULU POLICE COURT CLERK'S ACCOUNTS.

This Grand Jury have in obedience with your honor's charge, made a careful investigation of the system of accounts kept at the Honolulu police court, and have employed expert assistance in making an examination of the accounts.

We have ascertained from an abstract from the records, verified by vouchers, that all costs in criminal cases under appeal to the Circuit Court, have been fully paid over to the Circuit Court in the final sum of \$139.80.

Civil Cases, Appeal Costs.—The Grand Jury ascertain that the sum of \$309.20, costs of appeal in civil cases pending in the Honolulu police court prior to transferring the civil cases to the Second District Court, should be paid to the clerk of the court, not having been paid over to the clerk of the Circuit Court.

Judge Wilcox has testified before this Grand Jury that he has this amount in his safe, it being the custom of the clerk to pay into his hands all receipts of cash.

In the matter of balances due attorneys, being amounts of deposits in excess of costs of court, this Grand Jury find great difficulty, and an endless amount of work involved, in order to get at an accurate statement of the standing of this part of the police court clerk's accounts.

The examination of this matter has gone back to February, 1897, since when balances due attorneys have accumulated, amounting to \$780.10, and balances due from attorneys, being amount of costs in excess of deposits, have accrued in the sum of \$139.80, as shown by statement hereto attached, covering twenty-one pages of typewritten matter, and marked "Exhibit C."

How much of this sum of \$780.10 has been paid to the attorneys by Clerk Zablan the Grand Jury does not know, and it could not be ascertained by a checking of his receipts, which would consume several weeks' time, as the clerk of the court is at present overworked, and can only give a small part of his time daily to this work, and in any case, we believe it would require more time than is available during the present court term.

Moreover, it is within the right of any attorney to demand a settlement, so far as he may be interested in these balances, and a refusal to settle same would be a refusal to acknowledge the attorney to the proceedings against the clerk for misappropriation of funds, and we believe this course preferable to any apparent procedure open to the Grand Jury.

The Grand Jury have found no evidence of embezzlement or defalcation in their investigation of the police court accounts, but there is an absolute absence of system in the keeping of accounts of the court. No cash-book and ledger is kept, and the money paid in is noted on the record of the case to which it pertains, and an offsetting memorandum made when the money is sent up to the Circuit Court, or otherwise disposed of.

As stated above, all moneys paid the clerk, and for which he gives receipts, are delivered by him to the judge, from whom he gets no receipt. This, of itself, is a very loose and dangerous practice.

The Grand Jury believe and recommend that the proper authority should insist that a proper set of books—a cashbook and ledger—be kept at the police court, and be subject to periodical investigation of, and verification by the auditor. By so doing, accounts can be kept, showing at a glance, the cash on hand, the standing of the various attorneys' accounts, and the funds awaiting payment to the Circuit Court. It is within the knowledge of this jury that a predecessor of the present police court clerk was tried for embezzlement, the question at issue being payments between the judge and the clerk, and this fact, of itself, should have been sufficient to bring about a reform.

The Grand Jury feel justified in censuring Judge Wilcox for permitting the present unsystematic and loose methods in his court. We believe, being the direct superior of Clerk Zablan, and so long as these methods are allowed to exist, just so long will the investigations of a Grand Jury and a possible indictment be imminent to him and his clerk. There is ample evidence that Clerk Zablan has more work to do than can be reasonably and properly done by one man, and the Grand Jury is quite satisfied that in order to inaugurate the reforms suggested in book-keeping, more help will be necessary. The delay in getting annual cases up to the Circuit Court appears to us to be due to want of time for the police court clerk to prepare the same. In one or two instances, when the transcripts have been prepared by the attorney in the case, in other cases, there has been further delay than is excusable, but we believe that more help would obviate the annoyance caused by these delays.

The Grand Jury submit herewith the following exhibits: "A," "B," "C," expert's reports on police court's accounts; "D," clerk's record of the proceedings of the Grand Jury.

In closing their report the Grand Jury desire to express their appreciation of the courtesy and assistance rendered by the Deputy Attorney General, Mr. John W. Cathcart. Respectfully submitted,

E. F. BISHOP, Foreman;
C. J. CAMPBELL,
JAS. GORDON SPENCER,
S. B. ROSE,
ARTHUR L. LAMB,
F. J. KING,
H. A. FARMALEE,
D. S. TANAKA,
WILLIAM AULD,
JOHN D. HOLT,
ABRAHAM FERNANDEZ,
SAMUEL NEWBORN.

SUPPLEMENTAL REPORT.

To the Honorable Circuit Court of the First Circuit, Territory of Hawaii—February Term, 1901:

The Grand Jury respectfully report that no bills of indictment were found in the following cases:

Territory of Hawaii vs. Eugene Sousa, malicious injury; Territory of Hawaii vs. Frank Turk, malicious injury; Territory of Hawaii vs. Kahale, malicious injury; Territory of Hawaii vs. O'Shea, malicious injury; Territory of Hawaii vs. Kaawai, larceny, second degree; Territory of Hawaii vs. Frank Santos, embezzlement; Territory of Hawaii vs. C. M. Catterlin, assault with weapon.

And that no action was taken in the case of the Territory vs. Lopez and Walola, charged with larceny in the second degree, committed on the Island of Kauai, as the Grand Jury was advised that it had no jurisdiction to investigate crimes committed in other circuits.

No action was taken in the case of the Territory vs. Vincente Vella Lustrro, charged with assault with a deadly weapon, for the reason that no witnesses appeared before the Grand Jury. One witness could not be found; the other

witness, named Lasso, was duly subpoenaed, but did not obey the process of the court; we therefore ask that the Court issue its attachment for the person of the witness Lasso, and that he be dealt with as the Court may deem proper.

Dated March 5, 1901. E. F. BISHOP, Foreman Grand Jury.

Respectfully,
J. F. SOULE, Clerk of Grand Jury.

BELIEVES REPORT TO BE ERRONEOUS

Collector Chamberlain, of the local revenue office, says that the reports to the effect that Commissioner Powderly has recommended to the Secretary of State an extension of time for the registration of Chinese, extending the limit of registration to January 31, 1902, have not been confirmed by any advice received at the revenue office.

Furthermore, Mr. Chamberlain thinks that the unofficial report of an extension will cause greater delay in the work of registration, as the Orientals, always slow, will take their leisure about registering if they think there will be such an extension of time. It is the desire of the office to expedite the matter as much as possible, and Mr. Chamberlain wishes it to be thoroughly understood that the report of an extension is extremely improbable, and urges the prompt registration of all Chinese. Everything is being done to facilitate matters, but the work is progressing very slowly. Deputies are to be sent out to register Chinese, who do not come to Honolulu, ten additional deputies having recently been appointed.

Stations are to be established at Maui, Kauai and Hawaii, for the registration of Chinese on the other Islands, and the utmost will be done to complete the work by June 13, which is the time at present officially understood to be the date of closing the registration.

REMARKABLE CURES OF RHEUMATISM.

From the Vindicator, Rutherfordton, N. C.

The editor of the Vindicator has had occasion to test the efficacy of Chamberlain's Pain Balm twice with the most remarkable results in each case. First: with rheumatism in the shoulder, from which he suffered excruciating pain for ten days, which was relieved with two applications of Pain Balm, rubbing the parts affected and realizing instant benefit and entire relief in a very short time. Second, in rheumatism in thigh joint, almost prostrating him with severe pain, which was relieved by two applications, rubbing with the liniment on retiring at night, and getting up free from pain. For sale by Benson, Smith & Co., Ltd., sole agents Hawaii Territory.

Hives are a terrible torment to the little folks, and to some older ones. Doan's Ointment never fails. Instant relief and permanent cure. At 25¢ a tin. 50¢ a box.

Mr. R. E. Blouin, director of the Hawaiian experimental station, left on the King yesterday for Hawaii, to visit all the plantations through the Hamakua district on business connected with his office.

HOW THE BOTTLE WAS SMASHED.

A bad place to carry a bottle, and almost sure to end in disaster.

And so it proved in the case of Mrs. Jones' little girl. You see, her mother had sent the child to the shop of Mr. Ayres, the chemist, for a bottle of medicine, and when he had given it to her she put it inside of her closed umbrella to carry home.

On her way back it began to rain and the child thoughtlessly raised the umbrella. Half the contents of the bottle was saved, and the mother was obliged to make the best of it.

Writing under date of Nov. 27th, 1899, the lady says: "About four years ago, some Christmas I became bad with what I can only describe as a nasty, low, weak feeling. I was so weak that when I wanted to move from one place to another in the room I had to go hand over hand around the tables and chairs."

"This was so aggravating and I really was so feeble that I often felt like throwing myself down, only I knew I couldn't get up again. At times I would have such dreadful pain across my chest that I was afraid I would smother, and the sickening, coppery taste in my mouth of mornings was hard to bear."

"For the life of me I could not say what was the matter or what was the cause of all this. I had been to the lodge doctor regularly for about six months, and he told me I was a puzzle to him, and that he didn't know what ailed me."

"All he could say was that if I did not give up lifting water from the well, cutting wood, milking and other work I had to do, I would not be long for this world. This was not a very cheerful view for him to take, but I have no doubt that he was sincere in it, and the state I was in seemed to bear him out in it. But his medicine had no effect on me at all."

"One day I happened to read about Mother Siegel's Syrup, and some cases in the book were as much like mine as one egg is like another in a basket." (Here Mrs. Jones tells how she tidied up one of the children and sent her to the chemist for a bottle of the Syrup, which incident, with its attendant calamity has already been related.)

"I commenced at once," continues our correspondent, "on what medicine one correspondent, 'on what medicine there was left in the bottle and used it up. Then I sent for another, which came safe to hand. By the time I had finished this one I was ever so much better, but I kept right along with the medicine until I got perfectly well; which I did, and have not had any illness since."

"I am seldom without a bottle of Mother Siegel's Syrup in the house, and it is part of my common talk to tell people what it has done for me, and what I am sure it will do for anybody who suffers from the complaints we are all liable to have."—Mrs. Tabitha Jane Jones, Graham Street, Auburn, N. S. W.

Referring to the little girl's bad luck on her first visit to the chemist, Mrs. Jones adds that it is a comfort to reflect that a half bottle of Mother Siegel's Syrup is more good than a full one of anything else.

OUR \$4.50 SHOES!

With heavy soles are just the right kind for rainy weather wear. You may pick from box calf or Russia calf shoes. These are in blacks and russets. The shape is that full generous winter last which is protective as well as pleasing. We have all sizes and all widths.

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Manager

FRIDAY : : : : : MARCH 8

GRAND JURY REPORT.

The Grand Jury in its report expressed the average practical good sense of the people of Honolulu and Hawaii as regards to handling certain actual and alleged abuses. The tone of the report shows that its writers had not been touched either by the humbug of a political judge, the hysteria of a yellow press or by the misrepresentation of three excited women, strangers to the town, who took a hasty chance to tell the people of Honolulu how they should run their own affairs.

With most of the recommendations of the Grand Jury, none of which are particularly sensational, we cordially concur. The plan of the Insane Asylum should be structurally improved; the use of a stone-crusher near by should be stopped; the pictures of the political prisoners of 1895 should be taken out of the Rogues' Gallery at Oahu Jail and people held for trial at the prison should be segregated from convicts. There is room for vital improvements in the system of commitments to the Reform School and in the book-keeping of the Police Court. All this makes a creditable array of proposals and suggestions.

The most satisfactory thing in the report—which in this respect follows that of the preceding Grand Jury—is the flood of understanding and common sense it lets into a question which has roused a small but very earnest and sometimes over-zealous part of the moral community to exert itself for a change. For the first time since the initial Grand Jury made its report we know the truth about "stockaded vice"; and if the truth is vastly less criminal than conjecture, that is the fault of people who accepted at face value the amazing tales told for political or declamatory effect. We shall probably hear but little more about "official participation and connivance," "official profit," and of the possibility of improving the tone of the city by scattering the most vicious classes among schools and homes.

But no more of this subject. Except as it comes to us in official documents it will be carefully kept out of the columns of the Advertiser.

THE SALARY QUESTION.

There is nothing like an unselfish interest in the public welfare. Here we have a tuppenny Judge demanding on the one hand that his own salary shall be raised from \$3,000 to \$4,000 and on the other that all appointees to purely territorial offices shall have theirs cut down to the minimum which obtains in some cheap-for-cash-or-credit Western Territory where a Governor might live like a belted Earl on \$1,000 a year and an Attorney General could afford to leave a law practice to amass \$500 per annum.

It would surely be a great thing for Hawaii if it could get a \$20-per-week Governor and a \$10-per-week Attorney General. We should then see democratic simplicity stripped to the buff. The Governor might manage to live in a borrowed house-boat where he could fish over the side, and the Attorney General might get a bunk from him and find an occasional meal in return for cutting bait. Neither could hope, in this, the most expensive country under the American flag, to get hold of very much meat or to indulge in such social luxuries as an umbrella, a pair of spectacles or a watch. When the day of the Oklahoma economy comes there will have to be a pawnshop for the private use of high officials—all except some Judges, who see no reason why there should be any Populist retrenchment in theirs.

And think of what the Governor and Attorney General might be like! See what sort of Judges a \$3,000 per annum salary gets for us in a community where good lawyers make \$1,000 per month.

ORIGIN OF THE BLUNDER.

It is now understood that the Gear nomination for Judge was engineered by Senator Frye, who was induced by H. M. Sewall to believe that George D. Gear would be acceptable in a judicial capacity, to the people of Hawaii. Sewall deceived Frye. He did it because he wanted to get even with the reputable people here and he could think of no better way than to give the vacant judgeship to the most distasteful aspirant.

The feeling among lawyers over the Gear matter is intense though, from the probability of being obliged to practice before him, they do not care to authorize the publication of their views. But there can be no mistaking the temper of the bar, which regards Gear as no improvement morally or professionally over his notorious partner, George A. Davis.

The President is in sad need of some counselor who understands Hawaiian conditions and will speak truthfully about them. By taking advice from Sewall, through Frye, he has managed to injure the Republican party here and lower the tone of the judiciary. It is known that Senator Cullom bitterly condemned the Gear nomination after it had been made. Had the President consulted him in advance he would have learned something to his own advantage and that of the Republican party.

If ever an advertising Judge was snubbed and flouted and delicately sneered at by an adjunct of his own Court that man is poor Humphreys and the adjunct is the Grand Jury.

SLAVERY AMONG ASIATICS.

The Federal Grand Jury will, it is reported, be asked to investigate the system of slavery which is said to obtain in the Oriental quarter. Whether its attention will be directed to specific instances of human bondage we do not know, though the jury must, of course, get hold of such incidents to enable it to bring indictments. Already detectives have been at work. Undoubtedly their task was a hard one, owing to the facility with which the lower-class Oriental tells an untruth for the benefit of himself or any one else of his race in whom he has an interest; but hard as it was, the task of the Grand Jury in getting at the facts of slavery, if such facts exist, promises to be considerably harder.

Once in a long time a Chinese or Japanese woman announces herself as a slave and calls upon the law to rescue her, but the cases are few and far between and some of them are manifestly fraudulent. As the fruit of long experience, the San Francisco authorities do not always receive the "escaping slave girl" with open arms any more than they do the Chinaman who confesses that he was smuggled into the country and has no right to stay. One of the first "slave girls" to put herself into the hands of the San Francisco police was given over to a charity, the good women composing which triumphantly shipped her back to China at their own expense. It turned out afterward that she was the daughter of a merchant who wanted to sell her to a mandarin and was not unwilling to save trans-Pacific passage money. She actually went, and with a light heart, from freedom to bondage. The scheme worked so well that whenever a merchant wanted to send his wife or daughter back to the old home he had her "escape" to the passage-paying society and in due time—for this was before the day of the Geary law—he got her back again. Since exclusion began, with all its photographic and book-of-record appurtenances, there has not been much doing at San Francisco in the "escaping slave" line. Occasionally a girl gets miffed and runs away from home to the arms of the authorities, police or charitable, but she generally goes back again. If in slavery she is not displeased, for sometimes in that state she has more comforts than she gets under the family roof.

The form of slavery that exists among the coolie Japanese is apt to be paternal or maternal. Girls sold or indentured make money for their parents by the process of sale. How far this system goes in Honolulu we do not know, but it is said to exist and to be supplemented by a species of bondage which has no parental standing or excuse. If this is true it is a proper subject for the Federal Grand Jury to investigate, though we confess to misgivings that anything indictable can be proved. True, there have been one or two high-priced offers to charitable people to take Japanese women off the hands of alleged "masters," but collusion is suspected and if the money had been paid it might have been divided afterwards by chuckling conspirators. The great difficulty the jury will have is to discover any woman who, if enslaved, really wants to escape from bondage or who will tell the truth in the witness box about her political and social condition.

CHINA'S OUTLOOK.

Assuming that the powers do not want to partition China, being appalled at the magnitude and danger of the task, their method of procedure in re-establishing native government becomes a subject of world-wide interest. Apparently they have hit upon the right plan in rescuing and re-enthroning the Emperor, which, it is said, is the real object of Waldersee's expedition. With the Emperor in power and the Dowager exiled there might be a chance for reforms that would open China to Western civilization; and if that were done it might not be many years before China, as another and greater Japan, would become an aid rather than a hindrance to the progress and enlightenment of the Far East.

Lately American missionaries have cleared away the main objections to the Emperor by showing that, far from being an imbecile, Kwang-Hsu is an earnest and capable man within the limits of his Chinese education and one whose sympathies go out to all that is useful and beneficent in Western life. When a mere child, his taste ran to foreign picture books; later it developed a fondness for mechanical toys; as youth matured the Emperor called for books on science and travel, having them translated into the Mandarin dialect; then he began to read the Bible and gather about him men of real enlightenment; and finally he signed edicts for reform which will be his monuments even if he never lives to carry them out. His fault was in going ahead too fast; in taking too slight account of Chinese conservatism. This gave the Dowager her chance and she improved it with instant readiness. But she, too, went too far towards the other extreme and now her time is coming. If the Emperor is brought back he will naturally benefit by past experience and have the aid of white advisers. Put on the throne under such circumstances there is no end to the good he might accomplish.

A new era is dawning upon China; it looms as did the era of Meiji in Japan. It means the beginning of the end for old Mongolism; the introduction of the modern spirit where it has so stoutly been resisted. Indeed the day Kwang-Hsu is put back upon the throne of his ancestors, if that day comes, may be recognized a century hence as one of the red-letter dates in the world's history.

F. D. Haskell, charged with stealing two five-cent cigars, found guilty and sentenced by the First Circuit Court to two years at hard labor in Oahu Prison, and to pay the costs incurred.

E. S. Gill, indicted on a charge of assault with a deadly weapon, released on \$500 bail, with a relative of the Judge as security.

As we predicted in this column, the Grand Jury report was exceedingly level-headed.

Those who know United States Marshal Ray best like the rumor of his coming resignation least.

Will the apologists for the Gear appointment stop long enough to tell the public who compose the Investment Company which is mentioned in the Grand Jury report?

The centralized police system is now in working order in New York and is a forerunner of more centralized police methods everywhere in the country. The too-many-cooks-spoil-the-broth theory of government has had some impressive breakdowns lately.

The Emmeluth resolution forbidding the issuance of building permits in the old Chinatown until the fire limits have been extended there was wisely adopted by the House. Honolulu does not want another colony of tinder shacks built up next to its main business quarter.

A paper which has just left the Republican party to take a job from the Independents commends George D. Gear as a "good party worker." No doubt he is a good one from the anti-Republican standpoint, seeing that he did all he could last fall to ensure the defeat of the Republican Legislative ticket.

An able legislator introduced a bill yesterday regulating Hawaiian youths who are being educated abroad. It will probably be followed by one defining the time in which Hawaiian tourists may be away from home. For all-around statesmanship the Hawaiian Legislature asks no odds of any other assembly in the land.

The acquaintances and friends of Rear Admiral Beardslee, U. S. N., retired, who lived in Honolulu will be interested in the account of his recent experiences in Japan, as related elsewhere. The fact that Admiral Beardslee was with Perry on the memorable expedition which opened the hermit empire to the world enabled him to see modern Japan under most advantageous circumstances.

The death rate of Hawaiians keeps mounting up, particularly among children. What is the reason? The Hawaiians are pretty well acclimated here, they are a stalwart race and they used to have a great aggregate population. Their food, especially the poi part of it, is wholesome, and they seem to have enough of it. What is the matter with the Hawaiians that their death rate uniformly leads that of all races on this soil?

Richard Croker, since the Potter investigation began, finds age wearing on him and may remain abroad, turning over the control of Tammany to younger hands. Tweed also began to grow old when the New York Times exposed the ring contracts but his sojourn abroad was shortened by the police. It will be too early, however, to congratulate the reformers on the effect of Croker's retirement until it is seen whether an even bolder spirit will take his place.

It is not often that a warship of Austria-Hungary finds its way to this port, though the original Donau, of which the present one is the first successor, made a long stay here thirty years ago. The present visitor is a stanch training ship of 2,500 tons and eight years' service. She is a welcome visitor and her accomplished officers will have no trouble in verifying the good opinions they may have heard about Honolulu hospitality.

Mr. Emmeluth attacked Gov. Dole yesterday with a heat which suggests that he has not forgotten old grievances. When Emmeluth was shouting, "Deport the Queen," and "Hang Wilcox," the prudence and sagacity of the Governor got in his way. The refusal of Mr. Dole to take extreme measures was so distasteful to Mr. Emmeluth that even now, when he has gone over to the Queen and Wilcox, he cannot resist an opportunity to get out before the capitol and throw stones at the Executive windows.

Circuit Court Justice:

F. D. Haskell, charged with stealing two five-cent cigars from the shop of one Ah Leong, on Punchbowl and Queen streets last October, found guilty of larceny in the second degree and sentenced by the First Circuit Court Judge to two years at hard labor in Oahu Prison and to pay the costs incurred.

E. S. Gill, indicted on a charge of assault with a deadly weapon, released on \$500 bail, with a relative of the Judge as security.

No wonder the administration of justice in the First Circuit Court has earned the contempt of every honest citizen.

POLICE COURT ITEMS.

Defendant in Trespass Case Fails to Appear for Trial.

Manuel Fernandez, charged with being unlawfully on the premises of Mrs. Ahren, on Miller street, failed to appear in the Police Court yesterday morning when his name was called. Considerable interest is being taken in Fernandez whereabouts on account of his having declared his intention to several people of committing suicide. Some of his friends assert that he has gone to Kauai.

Nakai, the champion fa fa player of the Territory, was up against it yesterday to the amount of \$15 and costs. Tickets of the game were found upon him.

Jack Burton, the man with the bad memory, was reprimanded and discharged. He was charged with having left a horse and vehicle unattended in a public place for twenty-four hours. His Honor took compassion on defendant's marvelous absent-mindedness.

Enoka, John Pahlia, Haake and Halverson, all drunk, paid \$2 and costs, fines and J. N. Gere, also drunk, failed to face the music and forfeited their bail of \$5.

M. R. Houghtaling has been relieved from his duty as color sergeant, upon his own request, and restored to duty in Company F.

SENATORS GET MAD ONCE AGAIN

(Continued from Page 1.)

tabled and made the order of business for today. Carried.

House joint resolution 3 was read by the secretary and upon motion of Cecil Brown was referred to the lower House for proper certification.

A petition from 194 taxpayers of Honolulu pertaining to the damages accruing from the bubonic plague was offered by Senator Kalaauokalani and objected to by Brown on the ground that it was contrary to the rules.

"Why?" said the chair.

"You have your rules as well as I," replied Brown, "and should study them."

"I accept the petition," said Russell.

"I ask for information from the chair," interrupted Carter.

"When you want to know anything ask Cecil Brown," sarcastically replied the president.

"That remark was uncalled for," was Carter's reply.

"I am free to say what I please, Mr. Carter," exclaimed Russell.

"And so am I," retorted Carter.

"I call you to order," was Russell's defense, and the dialogue ended.

Achi moved to refer the petition to the committee on ways and means, but the motion was lost, and upon a motion from White it was referred to the committee on claims.

Cecil Brown, as a member of the judiciary committee, complained that he had been unable to secure a meeting of that committee and had been compelled to do all of the work alone and asked permission to submit his minority report. The report as read was as follows:

"The minority of the judiciary committee herewith presents a report on the estimates submitted by the Governor to the Legislature of the Territory of Hawaii for the succeeding biennial period, and to such committee for the purpose of preparing and including the same in an act or acts in order to bring such matter properly before the Senate for action and consideration."

"The minority has prepared and herewith submits an act making special appropriations for the department of use as well as the payment of the necessary current expenses of carrying on the Government for such biennial period."

"This act embraces the necessary appropriations as submitted by the Governor, and the money therefor is expected to be provided out of and from a loan fund. There is also, as submitted by the minority upon the plan suggested by the Governor in his message, a general or public act based upon that passed by the Legislature of the Republic of Hawaii in 1896, and which act if passed will not necessitate the passing of a new loan act at each session of the Legislature."

"There is also in preparation a loan act, the money realized under the same to be used for the internal improvements recommended in the estimates before mentioned, or in such other manner as the Legislature may decide."

White, as one of the members of the committee, moved that the minority report be tabled until the majority could find time to submit its report and promised that this would be done by Monday of next week.

Carter stated that he had noticed in one of the morning papers that that paper repudiated the bid credited to that paper as submitted by the printing committee yesterday and asked if the chairman of that committee had received any notice to that effect. He was informed that such a notice had not been received. Carter then stated that he thought the attention of that committee should be called to this, as it was possible that if that paper was visited again they would be willing to submit a lower bid and do the work cheaper than it was at present costing the Senate.

Sensor White then introduced the following resolution:

"Be it resolved by the Senate of the Territory of Hawaii that the Honorable Governor of the Territory of Hawaii be and he is hereby respectfully requested to nominate and appoint persons to fill all offices wherein he is authorized to make appointments, by and with the advice and consent of the Senate, at the earliest possible day; and be it further

"Resolved, That the secretary of the Senate be and he is hereby instructed to forthwith transmit a certified copy of this resolution to the Honorable Governor, William White."

Upon a motion that it pass as read it was accepted.

Sensor Crabbe gave notice of his intention to introduce the following bills: "An act defining the design of a great seal for the Territory of Hawaii."

"An act to prohibit the unlawful wearing of the badge of the Grand Army of the Republic."

Kalaauokalani asked permission to read a bill referring to the exemption of certain personal property, of which he had given notice several days ago, and same was read.

White moved that the bill be referred to the printing committee and motion carried.

Carter asked for the same privilege as conceded Kalaauokalani and it was granted. His bill was read by its title and referred to the repeal of the merchandise laws relating to licenses, and was also referred to the committee on printing.

Carter then moved to adjourn and motion was carried.

QUIEN SABE DEAD.

They tell an amusing story on Prince Radziwili. Having picked up a smattering of Spanish he delighted in answering every question with the Mexican "¿quien sabe?" meaning literally, "who knows?" A funeral procession was passing along the Avenida Juarez, when an American stepped up to the prince and inquired, "Who's dead?" "Quien sabe," said the prince, shrugging his shoulders and spreading out the palms of his hands. "Quien sabe?" exclaimed the American, "Thank God. Now if they'll kill Manana we may make Mexico a sort of half-way decent country."—Victor Smith in New York Press.

Eruptions A COSLY SMOKE.

Dry, moist, scaly tetter, all forms of eczema or salt rheum, pimples and other cutaneous eruptions proceed from humors, either inherited, or acquired through defective digestion and assimilation.

To treat these eruptions with drying medicines is dangerous.

The thing to do is to help the system discharge the humors, and to strengthen it against their return.

Hood's Sarsaparilla permanently cured J. O. Hines, Franks, Ill., of eczema, from which he had suffered for some time; and Miss Alvina Walter, Box 212, Algonia, Wis., of pimples on her face and back and chafed skin on her body, by which she had been greatly troubled. There are more testimonials in favor of this great medicine than can be published.

Hood's Sarsaparilla

Promises to cure and keeps the promise. No longer put off treatment. Buy a bottle of Hood's today.

AN AUSTRIAN WARSHIP ARRIVES HERE

HONOLULU always welcomes a man-of-war and the beauty and dignity of the harbor is enhanced by the presence of a naval fighting machine, whether she flies the Stars and Stripes or the flag of some friendly power.

With the morning yesterday came the Austrian training ship Donau. She entered the harbor and cast her mud-hooks in the stream in Naval Row. She comes after a long voyage from San Jose, Guatemala, and is on her way to Nagasaki to join Austria's Asiatic squadron. She was thirty-four days making the trip from Guatemala, being delayed by rough weather.

The Donau is a fine full-rigged ship, supplied with steam power. Her engines are only used, however, upon entering a port or for very short distances. She is a vessel of 2,500 tons and was built about eight years ago.

She sailed from Austria in May of last year and has been cruising in South American waters. She will return home some time this year, it is thought, by way of the Suez canal.

There are 340 men aboard the training ship, the majority being trained for the navy; twenty-four are young naval officers. Her battery consists of ten 4-inch guns and four rapid-fire Hotchkiss guns. She is constructed of wood and iron and is named for the famous Austrian warship which took part in the battle of Lissa in the war between Italy and Austria in 1866.

The original Donau went out of commission several years ago and the training ship bears her name in honor of the famous vessel.

The new Donau is commanded by Captain Anton Paus. Her other officers are: Lieutenants, Johann Hesse, Alexander Hansa, Ottakar Schubert, Franz Martinak, Richard Florio; ensigns, Virgil Sander, Nicholas Stankovic, Karl Stockert, Egan Pinnerer, Emerick Schonta, Norbert Migotti; surgeons, Dr. Krock Jacob, Dr. Anton Lisowicki; engineer, Konrad Blaha; paymaster, Anton Muller; cadets, Messrs. Berber, Schallaseck, Bena, Mazurano, Heinz, Kloss, Straub, Willich, Willenik, Muller, Lister, Hild, Leist, Ogaston, Seocovick, Hofmann, Gylek, Gobanz, Woss, Yoris, Honsell, Kastner and Potosink.

Baron B. von Rakovsky, a member of the diplomatic service, is aboard and a number of the officers are baronets. Baron B. von Rakovsky is on a special mission to visit the different consulates of his Government. He called upon F. A. Schaefer, the Austrian Consul at this port, yesterday.

Shortly after the arrival of the training ship in the waters of this harbor the Stars and Stripes were hoisted aboard and a national salute of twenty-one guns was fired. The guns at the naval station responded. People who were standing on the Oceanic wharf when the guns on the Navy wharf spoke out remarked that they felt the shock of the explosion. This is a good illustration of how well the piles of the respective wharves are driven into the coral.

Many of the older residents of Honolulu will recall the visit here of the old Donau about the year 1871. At that time the original Donau put in here in distress, having encountered some very severe weather. An admiral and his staff were aboard her at the time. There was also a diplomatic corps on the vessel, which continued on its journey to the Orient, while the Donau and her officers and crew remained in this port for some time while repairs were being made to the vessel. One of the Donau's officers, the son of a leading Austrian minister, committed suicide in the British club during the vessel's stay in port. Debt was said to be the cause of the young man's act. Another of the officers met death by drowning. He fell from a wharf during a heavy rain storm. The Donau is expected to remain here about a couple of weeks.

Changes at Central Union.

H. C. Brown, assistant to the pastor of Central Union Church, will retire this spring from his duties and go East. As a compliment to him his salary will continue somewhat longer than his stay. In October Rev. Mr. Erdman, who has charge of the Palama chapel, will identify himself more closely with the work of Central Union Church, taking up many of the duties now devolving upon Mr. Brown.

Eagles to Organize.

The Eagles will be organized on March 19. Honolulu will see the initiation of the new fraternal society on that date. Grand Organizer Cheatham will not arrive until March 13, but the meeting on March 19 will be for talking over the matter. The meeting will be at Waverley hall at 3 p. m.

F. D. HASKELL, charged with stealing two five-cent cigars from the shop of one Ah Leong on Punchbowl and Queen streets, last October, was yesterday found guilty of larceny in the second degree, and sentenced by the First Circuit Court Judge to two years at hard labor at Oahu Prison, and to pay the costs incurred.

The defendant claimed to have tendered a quarter of a dollar in payment of the cigars, but said that the Chinese did not have the change, and that the money fell behind the counter. Ah Leong said that he received no money in exchange.

When the verdict of the jury had been read the court called the prisoner up and pronounced a sentence of a fine of \$1,000, to be served out at hard labor in the prison at the rate of 50 cents per day.

At this rate Haskell would have had the price of nearly six years' imprisonment to have paid for his two smoked cigars. But the sentence was afterward annulled by the judge, and another substituted. The court was adjourned after the original sentence had been pronounced, but a few minutes later it was called to order again, and the judge called up the defendant and his attorney, Wade Warren Thayer. He said that he had been informed that there was a loophole in the sentence he had given, and had had his attention called to the fact that after serving a year of the prescribed fine the prisoner might take advantage of the debtors' law and escape the rest of it through insolvency proceedings. Therefore he declared the original sentence annulled, and substituted a term of imprisonment at hard labor in Oahu Prison for two years. Haskell has a bad record, and is a dangerous character.

INJUNCTION DISSOLVED.

By the order of the First Circuit Judge, filed yesterday afternoon, the temporary injunction issued on February 25 against the Hawaiian Commercial and Sugar Company upon complaint of the Waluku Sugar Company, has been dissolved. The order refers to the alleged obstruction of the Waluku river by the defendant company, and the defendant is allowed ten days within which to file an answer.

In his order dissolving the injunction the judge states that upon motion of the defendant, the temporary injunction is dissolved, said motion being supported by affidavits of H. P. Baldwin and A. N. Kepokai, and counsel as well for the defendant as plaintiff being heard thereon, and upon the affidavit of S. M. Barlow filed by the plaintiff, the court was of the opinion, upon consideration of the facts disclosed, that the motion should be granted. The judge stated that the injunction enjoined and prohibited the defendant from constructing a ditch under, through or across the parcels named in the plaintiff's bill of complaint, known as the Opunui land, or from removing stones or gravel from said land, or from erecting any structures in or upon the land until the further order of the court, upon penalty of being adjudged in contempt thereof.

SNEAD GETS SIX MONTHS.

Private Snead, a soldier of the United States artillery, who was indicted by the Grand Jury on February 11 for stealing a bicycle valued at \$50, belonging to Elijah Peter Blake, pleaded guilty to the charge in the Circuit Court yesterday, and was sentenced to imprisonment at hard labor in Oahu Prison for the term of three months, and to pay the costs incurred. Snead has already undergone about three months imprisonment while awaiting trial.

WANT A \$40,000 LIEN.

Albert V. Gear and Theodore Lammington had an inning yesterday in the matter of suits against the defendant Maunaloa Sugar Company. As the promoters of the insolvent company they have been taking the fire of creditors' suits in a multiplicity of actions, and yesterday they turned about and filed a bill asking for a \$40,000 lien upon the growing crops of the company, that amount being the total of various sums alleged to have been advanced by them at various times to the company. The bill states that the said sums not been advanced by them at said times, the company would have been compelled to suspend business, and prays that said lien be declared upon the property, to be paid out of the proceeds of the company, that some suitable and competent person be placed in charge of the growing crops as receiver, to protect the interests of all creditors. The Circuit Judge appointed T. McCants Stewart as the receiver for the plantation crops.

COURT NOTES.

An answer of general denial was filed yesterday morning by the defendant in the case of Keoni Ahupuu vs. Lot K. K. Lane. Later an amended answer was filed, stating that fraud would be relied upon by way of defense.

In the bill for foreclosure of mortgage brought by Hoffschlaeger Co., Ltd., vs. F. Akin, the First Circuit Judge yesterday signed an order as follows:

"Upon the report of George Dunn, Esq., commissioner herein, filed this 6th day of March, 1901, and approved by the defendant, it is hereby ordered and decreed that the said report and the accounts of the commissioner filed therewith, be approved; that the commissioner pay to the plaintiff the balance remaining in his possession after the payment of all expenses of sale, counsel fees and costs of court, and that he be discharged as such commissioner, and his bond cancelled."

S. Ozaki, who was convicted in the District Court on March 1, of having erected a building in the city of Honolulu without a license, was yesterday in ignoring an injunction against him from the Superintendent of Public Works, and sentenced to pay a fine of \$100, filed an appeal in the Circuit Court yesterday.

Solomon Kauili yesterday pleaded guilty to a charge of larceny in the second degree, having stolen fifty-five bags of rice from one Sing Loy last August, and was sentenced to four years at hard labor in Oahu Prison, and to pay the costs of court.

Defendant John H. Wilson in the case of the Territory of Hawaii vs. Her Majesty Queen Liliuokalani, who was cited to appear in the Circuit Court yesterday morning for contempt in ignoring an injunction against him, his defense this morning at 10 o'clock, his hearing having been postponed. A. A. Wilder will appear as attorney for Wilson, and Queen Liliuokalani and Attorney General Dole will represent the Territory. The defendant Wilson filed an explanatory answer with the Court yesterday afternoon.

ANGRY WORDS IN THE SENATE AND ADJOURNMENT PREVENTS A ROW

Resolution Cause of Fight. FOR STATE OF HAWAII

Representatives Argue Long Concerning
Chinatown—Notice of Many
Bills is Given.

(From Wednesday's Daily.)

FROM the moment of the introduction of Senator Achi's resolution shortly after the Senate convened yesterday morning the Republicans and Independents were at swords points with each other and the debates on each side evidenced much of the bitter party feeling which is being engendered in the Senate.

Metaphors were indulged in and comparisons between the Territory and a new born babe were plentiful. A few futile attempts were made to prevent the trouble which was brewing but without avail. The chair was charged by two of the Senators with showing a partisan feeling in his rulings, and at the close of the afternoon session blows were only averted by a narrow margin.

The final scenes were precipitated by Senator Cecil Brown in his argument relative to petitioning the United States to admit the Territory as a state.

Following is the complete text of the argument taken from the notes of the stenographer of the Senate:

MR. CECIL BROWN—"I understand the ruling of the chair has been that the matter before the House now is the rejection of this bill, or what amounts to a rejection—an indefinite postponement—and that it be laid on the table or indefinitely postponed.

"I shall not say anything about the ruling of the chair, whether correct or not, but I want to point out to the Senators this fact, that if the majority of this House is willing to refer this matter to a committee, they will then have to vote against the rejection of the resolution, for if they do that the next motion in order will be to refer it to a committee.

"In this particular instance it makes no difference which way the president has ruled, but if the majority say this will be referred to a committee, then the vote will be to reject. And if, as Senator Kalaokalani has said that he thinks this is too early in the session to introduce a resolution of this kind, then I say that the only thing to do is to refer it to a committee and they can hold it until such time as in the opinion of the majority of this House the time is ripe that it can be introduced; but I say not to throw it out of that door and as such as tell the United States we want to be a Territory for the balance of our lives and do not care for statehood; and on the motion to reject this bill I move that the ayes and noes be called."

MR. CARTER—"I second the motion."

Motion put by the chair. The secretary called for ayes and noes. Ayes eight and noes seven.

PRESIDENT RUSSEL—"The motion is carried eight to seven."

CECIL BROWN—"It was not voted that way. The president and Senator Kanuha voted no."

PRESIDENT RUSSEL—"I voted for Senator White's motion to reject."

BALDWIN—"I understand the president voted no."

PRESIDENT RUSSEL—"But I changed it immediately. Read the voting again, Mr. Secretary."

The secretary read the result of voting as given before.

CECIL BROWN—"Mr. President: I now say that under our rules you have no right to vote unless there was a tie. I make this point of order: that the vote of the president was cast here under our rules contrary to our rules."

PRESIDENT RUSSEL—"Show us the rule."

BALDWIN—"I did not hear the name of Kalua."

Cecil Brown here read rule 45 of the rules and regulations of the Senate. Continuing, he said: "You voted before it had appeared to the Senate that there was a tie. You claimed it as a right under the rules. You only have the right to vote when it is a tie or when the vote is by ballot."

PRESIDENT RUSSEL—"I think you are mistaken. I put a special question whether ayes and noes are included in the ballot and it was so decided."

CECIL BROWN—"Under the rules here the president has no right to vote except the question is a tie or where the vote is by ballot."

PRESIDENT RUSSEL—"This is a question for the House to consider."

CECIL BROWN—"That is what was passed."

PRESIDENT RUSSEL—"The only original copy is in the printer's hands."

WHITE—"I move we adjourn."

CARTER—"I rise to a point of order. If we have no rules and the only copy is in the printer's hands, I move we adjourn."

CECIL BROWN—"If the rules are out of the clerk's possession and in the hands of the printer he is not acquainted with the rules of this House."

The secretary produced the original copy of rules at the request of the president.



THE DAY IN THE HOUSE.

PRESIDENT RUSSEL—"Will you please find out rule from the original copy, especially in regard to that point?"

BROWN—"It is rule 53 here in this copy, and under the new rules it would be No. 45."

Mr. Brown read the above rule as to methods of ascertaining the decision of the Senate upon any matter. Continuing, he said: "There is another portion of our rules where there is a provision that the president only vote when the vote is by ballot. What the number is I cannot remember at present."

PRESIDENT RUSSEL—"We are losing too much time, Senator Cecil Brown."

CECIL BROWN—"I do not care if we are losing one hundred hours—as long as I am right I will stay here and talk until I get black and blue in the face."

PRESIDENT RUSSEL—"You cannot. The chair has decided that the president is entitled to vote on ayes and noes."

CARTER—"I rise to a point of order. The president has no such authority."

BROWN—"I appeal from the ruling of the president. I want to know what is the use of appealing in a question like this, where, as I claim, it is a violation of the rule?"

PRESIDENT RUSSEL—"You have a right to appeal."

BROWN—"Then I appeal."

PRESIDENT RUSSEL—"The question is before the House whether the House will sustain the chair in the chair's ruling that the chair has a right to vote in ayes and noes."

MR. C. BROWN—"On all questions?"

THE PRESIDENT—"On all questions."

MR. C. BROWN—"I rise to a point of order."

MR. WHITE—"Who has the floor?"

MR. C. BROWN—"I rise to a point of order and under our rules when a point of order is raised that party has to take his seat until the point of order is stated."

PRESIDENT RUSSEL—"I call you to order, Senator Brown."

BROWN—"I think I have a right to state my point of order."

There was great confusion here, during which the president ordered the sergeant-at-arms to remove Senator Brown from the chamber. The officer advanced to execute the order of the president. Mr. Brown loudly exclaimed, "Don't you touch me!" amid a clamor of voices.

The president said: "Then take your seat, Cecil Brown."

BROWN—"That is my point. When a point of order is raised there is no debate; and when I take an appeal from the president's decision the president must do that; that is my point of order."

Mr. Kalaokalani then rose and moved to adjourn, which was immediately done, it being then but 2:20 p. m.

SHARP DEBATE IN THE SENATE

IT WAS nearly 11 o'clock yesterday morning before the Senate was called to order with Senator Carter absent. A communication from the Lower House was read by the secretary accompanying House Bill No. 1, which passed that body yesterday. Cecil Brown moved that the bill be returned for the proper certification.

The following joint resolution was introduced by Senator Achi. Joint Resolution of the Legislature of the Territory of Hawaii. Be It Resolved by the Senate and House of Representatives of the Territory of Hawaii:

That the Congress of the United States be and hereby respectfully requested to pass, at an early day, an Act enabling the people of this Territory, who are citizens thereof and duly qualified to vote, to meet in convention and frame and adopt a State Constitution, whereby and whereunder this Territory may be admitted as a State into the Union.

Resolved, That the Governor of this Territory be and hereby is requested to transmit a duly certified copy of this joint resolution to the President of the United States, and the Speaker of the House of Representatives of the United States, with the request that this joint resolution be laid before the Congress of the United States.

W. C. ACHI.

This resolution met with warm opposition on the part of the Independents, a motion for rejection being made by Senator White.

Achi said it seemed to him that at the present time the people of this Territory held them responsible for all laws enacted. "The condition of the Territory might be likened to that of a growing child," he said, "and on this question we should all of us set aside our party feeling."

"Therefore as I stand on the floor I stand here for the good of the people, and if some one from the opposition side should propose anything for the good of the people I would heartily support it."

Cecil Brown supported Achi by saying: "I cannot understand why this should be opposed by the opposite party unless they are unwilling to accept the resolution because they have not the credit of introducing it."

Carter wanted White to state his reason for asking that the resolution be rejected.

White replied that he saw several reasons about to speak on the subject so would wait until they had finished and reply to them all.

No one desiring to speak, he resumed as follows: "If I remember rightly, some member of this Senate remarked that if he had lost one arm he would use the other to vote with, and so it is with us, for if we lose one opportunity we can take advantage of another. I do not believe it necessary to discuss this, so I move that the vote be taken and the ayes and noes recorded."

Baldwin spoke at some length supporting the arguments advanced by Cecil Brown.

Kanaha moved that inasmuch as the resolution was a very important one, that it be referred to a committee. Kalua moved that the Senate take up the unfinished business before it.

Kalaokalani took the floor and said that he realized that the matter was one of very great interest, and compared the Territory of Hawaii to a new-born babe, and the trouble arose from his desire to become a man at one leap. He thought the measure premature and advised the adoption of such measures as municipal and county laws. A vote of this was provided for in the Organic Act, and the end of the session would be ample time to discuss the subject in hand.

Senator Baldwin did not think that there was any desire to force the measure upon the Senate, and thought that reference to a committee would be the easiest way out of it.

Carter, Achi and White had a lively debate on the rules, and as little headway was being made, White at last proposed adjournment until 1:30 o'clock and the motion carried.

AFTERNOON SESSION.

The motion of Senator White to reject the resolution of Achi was announced by the chair to be next in order. Carter arose to say that he had failed to find any reason assigned for rejection by the opposing party, but that he understood that their main opposition was because they considered the resolution had been sneaked into the order of the business without the consent of the majority. The motion before the house is the one put by Senator Kalua and I charge

the President with being partisan. "You are mistaken, Senator Carter, and I think you are out of order," said the Chair.

"I have the right to enter my protest," replied Carter.

I do not think that Senator Carter is aware of what he is talking about, and I ask the stenographer to read from his notes for the benefit of the Senator," interposed Russel.

McMahon read from his notes and President Russel embraced the first opportunity he has had to voice his views concerning any question, and, without asking permission of Kalaokalani, he proceeded to interpret the remarks of that Senator.

White wanted to prevent Carter from speaking further on the subject, and claimed that Carter had spoken more than ten minutes, and also more than twice on the subject.

Both charges were denied by the Senator from Oahu, who called upon the stenographer to read from his notes of the morning session. The chair scented a long siege and granted Carter five minutes to close his argument.

The roll was called for the vote concerning the rejection of Achi's resolution and resulted in a vote of 8 noes and 7 ayes.

This included the vote of the Chair, which was cast as the roll was called, and a vigorous protest was made there to by Cecil Brown.

He contended that under the rules the Chair was only entitled to a vote in case of a tie, while the Chair claimed as his prerogative the right to vote at any time.

The original copy of the rules was called for and as considerable time was taken in looking them up, the Chair suggested that business be resumed.

Senator Cecil Brown failed to agree with the Chair and continued to talk, but was ordered by the Chair to cease.

"I will not stop talking, and will talk here until I am black in the face," replied the irate Senator.

Senators White and Carter jumped to their feet at the same time, each claiming a point of order and shouting in loud tones their opinions. Brown refused to yield the floor, and was ordered by the Chair to sit down.

"I'll not sit down," said Brown, "and I deny the right of this man to interrupt me."

"You won't sit down?" said the Chair. "No, I won't," was the answer.

The Sergeant at Arms was called upon to place Senator Brown under arrest and remove him from the Senate chamber.

This order had the effect of quieting the turmoil in the Senate and as the Sergeant-at-Arms walked over to Mr. Brown's desk it looked as though serious trouble would result. Brown was white with rage and dared the Sergeant-at-Arms to lay a hand upon him. As they stood facing each other, one doubtful and the other defiant, Senator Kalaokalani in a loud voice moved to adjourn and undoubtedly saved the Senate from a disgraceful scene.

DEBATE ON CHINATOWN

THERE WAS an ominous silence in the House of Representatives yesterday morning when the speaker struck his gavel upon the table to open the tenth day's session. There were few of the whispered conversations which usually mark the beginning of each day's work. Each Representative seemed to have weighty matters on his mind and papers upon his desk were attentively studied. Now and then the rasping sound of a new pen as it scratched uncertainly across the page of a document could be heard, and there was everything to indicate that something would "pop." The reading of the journal by the clerk did not attract much attention. Upon mo-

tion of Dickey the minutes of the preceding day were approved as read.

E. W. Beckley, chairman of the committee on public health, read a report from his committee against the petition of the fifty-three residents of Wailua who asked that the United States quarantine regulations, as far as they concerned Hawaii, be repealed as introduced by Mahoe. It was moved that the report be accepted, and adopted.

Mahoe jumped to his feet with a request that the matter be reconsidered, which was done. He also asked that the matter be referred to the committee on printing and be taken up as the order of the day today.

Paele moved the report be referred to the committee on judiciary, as it had a few law points to be decided.

Dickey said the matter was a very ridiculous proposition. The Legislature had no right to attempt to repeal the United States laws. He moved that the report of the committee be adopted.

Gillilan said there certainly were law points to be decided, inasmuch as there were no laws made in the year 1899, which date appeared in the bill, and it certainly was very ridiculous to treat upon the matter at all. Yes, he considered the judiciary committee would have its hands full when it came to deciding the points of law involved. He challenged the Wailua member to offer anything in rebuttal of his statement.

The speaker put the motion to have the bill referred to the judiciary committee. The motion was lost.

Robertson moved the petition and report be received the order of the day today and received a vociferous chorus of kokous from Mahoe and Paele.

He objected to a discussion of the merits before it was properly discussed. He would vote against the summary dismissal of any matter before it was discussed. He would vote against the bill, anyhow, but that was no reason why it should be thrown out without a proper discussion of its merits. Upon a vote the bill will become today's order of business.

The committee's report was as follows:

"Your committee on public health, to whom was referred the petition signed by fifty-three residents and voters of the Second precinct, Fifth representative district, and introduced by Representative S. K. Mahoe, February 28, 1901, beg leave to report as follows: The prayer of the petition is beyond the authority of this Territorial Legislature to grant and that the petitioners be denied and the petition rejected."

The report was signed by F. W. Beckley, J. Ewaliko, A. F. Gillilan and H. M. Kanuha.

Chairman Emmeluth, for the judiciary committee, handed in reports on House bills 3, 5, 6 and 10, repealing sections of the Civil Code, which were read by the clerk.

As to bill 6, the committee recommended it be passed as at present before the House in printed form.

Bill 5 was reported on favorably.

Bill 10, for the appointment of a third judge for the First Circuit Court. The great stress of work now on the calendar has blocked the efforts of one judge and the committee thought the bill should pass.

Bill 5, relating to guardianship of persons outside the Territory, was reported on favorably.

Robertson moved the reports be laid

(Continued on Page 6.)

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